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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,276	06/30/2000	Jin Yu (Gene) Ma	2705-109	9660

20575 7590 10/28/2003

MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
PORTLAND, OR 97205

EXAMINER

PHAN, MAN U

ART UNIT	PAPER NUMBER
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2665

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DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

M.R.

Office Action Summary

Application No.
09/608,276

Applicant(s)
Ma et al.

Examiner
Man Phan

Art Unit
2665



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 30, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 4-9 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jun 30, 2000 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 6) ☐ Other:

DETAILED ACTION

1. The application of Ma et al. for a "ITU H450.1 - Based ITU H.323 SCP method and apparatus" filed 06/30/2000 has been examined. Claims 1-10 are pending in the application.

Specification

2. The disclosure is objected to because of the following informalities:

The status of the related US Patent application noted on pages 2 needs to be updated. Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference character (34) as shown in Fig. 3. The drawing also fail to show the reference label from each block, and their description in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required..

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will

not be held in abeyance.

Claim Objections

4. Claim 1 is objected to because of the following informalities:

The claims contain the phrase "capable of" (line 6). It has been held that the recitation that an element is "capable of" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Appropriate correction is required.

5. Claim 5 is objected to because of the following informalities: This claim is a computer program product claim which is depended on the apparatus claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 4 recites the limitation "the public switched telephone network" (line 4); Claims 5 and 6 recite the limitation "the form of" (line 1). There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassin et al. (US#6,449,260) in view of Glitho et al. (US#6,614,784).

In so far as understood, with respect to claims 4-5, both Glitho (US#6,614,784) and Sassin (US#6,449,260) disclose a novel method and system for supplementary services between an ITU H.323 endpoint and a SCP using the ITU H.450.1 interface, according to the essential features of the claims. Sassin discloses a networked call center system that is adapted to handle calls from customers via different media and to route the calls to a customer service agent. The system includes a gateway that receives telephone calls from the public switched telephone network and a gatekeeper that determines an address of a destination where the call should be routed. Calls from one H.323 device can be routed to another H.323 device by a third party application by sending a call control message to the device's application program interface that executes the message as if it were generated at the device itself (See Fig. 1, the Abstract and Col. 1, lines 66

plus). Sassin further teaches in Figs 2-4 functional block diagrams illustrated how a telephone call is routed within the system in the case the ACD is an H.323 end point, in which at a step 103, the gatekeeper translates the called party number (or one of a number of aliases) into a transport address, i.e., an IP address plus port number, for the ACD server 52 using the LADP database 84. The transport address is then returned to the gateway by means of an RAS ACF message. The transport address is then used at a step 104 to establish an H.225 reliable channel between the gateway 80 and the ACD server 52 through the gatekeeper 82. In order to transfer the call to the music/video server (assuming the call was in an active state), the ACD sends the gateway a transfer command at a step 107 via an H.225 facility message. This message contains a facility-UUIE with a corresponding facility reason, if the H.450.2 standard is not implemented, or an H.225 facility message containing an H.450 call transfer initiate invoke APDU, if the H.450.2 standard is implemented. This message contains the address of the transferred to end point, i.e., the music/video server 56 (Col. 4, lines 60 plus).

In the same field of endeavor, Glitho discloses a method and system for provisioning supplementary services (SS) in a Integrated telecommunication network which includes VoIP networks operable with the H.450.1 (Col. 4; lines 13 plus). Glitho further teaches in Fig. 6 a flow chart illustrated the service provisioning method, in which when a service is invoked in a first entity (step 602), a service message is sent therefrom to an SCP service node (step 604). Responsive thereto, the service node operates by executing appropriate service logic (decision-making logic/SLPs) (step 606). A return

result or response with respect to what action is to be taken is then received by the first entity from the service node (step 608), which then determines how to effectuate the service action on the basis of the return result. Thereafter, an appropriate H.450.X message is sent by the first entity to a second entity (for example, a re-routing or switching entity such as a GK), using the instruction/indication from the service node as a parameter (step 610). The second entity (re-routing/switching entity) subsequently takes an appropriate service action, for example, establishing a suitable connection or connections for effectuating the invoked service (Col. 9; lines 25 plus) . It's noted that the Standard H.450.1 is a Generic Functional Protocol for the support of supplementary services in H.323 (ITU-T Recommendations, Feb. 1998, XP002214365). The Standard H.450.1 contains general definitions for the methods and signaling protocols for realizing additional supplementary service in the connection between what are referred to as H.323 devices; i.e., devices that work according to the Standard H.323. The Standard H.405.1 thus forms the basis that are directed to individual supplementary services (Col. 2; lines 36 plus).

Regarding claims 1-2, they are method claims corresponding to the apparatus claims 4-5 above. Therefore, claims 1-2 are analyzed and rejected as previously discussed with respect to claims 4-5.

With respect to claims 6-9, these claims differ from claims Sassin in view of Glitho in that the claims recited a computer program product for performing the same basis of steps and apparatus of the prior arts as discussed in the rejection of claims 1-2 and 4-5 above. It would have been obvious to a person of ordinary skill in the art to

implement a computer program product in Sassin in view of Glitho for performing the steps and apparatus as recited in the claims with the motivation being to provide the efficient enhancement to the supplementary services between an ITU H.323 endpoint and a SCP using the ITU H.450.1 interface, and easy to maintenance, upgrade.

One skilled in the art would have recognized the need for effectively and efficiently providing a method and system for supplementary services between an ITU H.323 endpoint and a SCP using the ITU H.450.1 interface, and would have applied Glitho's novel use of the supplementary services in VoIP networks operable with the H.450 recommendations into Sassin's Automatic Call Distribution system utilizes H.323 based VoIP networks. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Glitho's system and method for providing supplementing services (SS) in an integrated telecommunications network into Sassin's multimedia automatic call istribution system with the motivation being to provide a method and system for supplementary services between an ITU H.323 endpoint and a SCP utilizes ITU-T H.450.1 interface.

Allowable Subject Matter

4. Claims 3 and 10 are objected to as being dependent upon the rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

6. The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest the steps wherein, in a case in which the AIN supplementary services are related to an existing ITU H.323 call, the ITU H.225 FACILITY message is a user-to-user information element (UUIE) including one or more of a setup-UUIE, a connect-UUIE and a releaseComplete-UUIE, as specifically recited in claims 3 and 10.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Korpi et al. (US#6,636,528) is cited to show the method and apparatus for transmitting voice data in data packets with additional supplementary services.

The Klaghofer et al. (US#6,442,268) is cited to show the method of implementing a line group function in a communications network based on ITU-T H.323.

The Beyda et al. (US#6,549,569) is cited to show the system and method for improving conversion between A-law and U-law coding.

The Clark et al. (US#6,373,839) is cited to show the bandwidth biased codec selection system and method.

The Klaghofer et al. (US#6,466,662) is cited to show the method of implementing a call transfer from the active status in a communications network based on ITU-T standard H.323.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029. The examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

13. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 305-9051, (for formal communications intended for entry)

Or: (703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

Mphan

10/22/2003.

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